

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David L. Marvit et al.
Serial No.: 10/807,560
Filed: March 23, 2004
Group No.: 2629
Examiner: Regina Liang
For: CUSTOMIZABLE GESTURE MAPPINGS FOR MOTION
CONTROLLED HANDHELD DEVICES

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION (37 C.F.R. §1.321 (c)) AND
CERTIFICATE UNDER 37 C.F.R. §3.73 (b)**

I, Michio Nakamura, of Fujitsu Limited, represents that Fujitsu Limited is the assignee and the exclusive owner of the entire right, title and interest of, in and to application Serial No. 10/807,560, filed on March 23, 2004, for *Customizable Gesture Mappings for Motion Controlled Handheld Devices*, as indicated by the Assignment Records of the U.S. Patent and Trademark Office at Reel 015656, Frame 0483; and certify that to the best of assignee's knowledge and belief, title is in the assignee seeking to take action; and that I am empowered to act on behalf of assignee.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. Furthermore, I declare that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of

the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

Fujitsu Limited hereby disclaims the terminal part of any patent granted on the above-identified application, that would extend beyond the expiration date of any patent which may grant from U.S. Patent Application Serial No. 10/807,589 filed March 23, 2004, assigned to and owned by said Fujitsu Limited as indicated by the Assignment Records of the U.S. Patent and Trademark Office at Reel 015649, Frame 0956, and from U.S. Patent Application Serial No. 10/807,572 filed March 23, 2004 also assigned to and owned by said Fujitsu Limited as indicated by the Assignment Records of the U.S. Patent and Trademark Office at Reel 015649, Frame 0982; and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent which may grant from U.S. Patent Application Serial Nos. 10/807,589 and 10/807,572, both filed March 23, 2004, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

Petitioner, however, does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration of the full statutory term of the above-referenced U.S. Patent Application Nos. 10/807,589 and 10/807,572, in the event that one or more of the following occurs: U.S. Patent Application Nos. 10/807,589 and 10/807,572 expire for failure to pay a maintenance fee, are held unenforceable, are found invalid, are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), have all claims canceled by a reexamination certificate or are otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The \$130.00 fee required by 37 C.F.R. 1.20(d) is submitted herewith and believed to be correct. However, the Commissioner is hereby authorized to charge any underpayment or credit any overpayment of fees to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

Respectfully submitted,

FUJITSU LIMITED

5/21/2007
Date


Michio Nakamura